

**House File 2220 - Introduced**

HOUSE FILE 2220

BY SALMON

**A BILL FOR**

- 1 An Act increasing mandatory minimum periods of
- 2     confinement and fines for first, second, and third
- 3     operating-while-intoxicated offenses.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.2, subsection 3, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. A minimum period of imprisonment in the county jail  
4 of ~~forty-eight hours~~ seven days, but not to exceed one year,  
5 to be served as ordered by the court, less credit for any  
6 time the person was confined in a jail or detention facility  
7 following arrest or for any time the person spent in a  
8 court-ordered operating-while-intoxicated program that provides  
9 law enforcement security. However, the court, in ordering  
10 service of the sentence and in its discretion, may accommodate  
11 the defendant's work schedule.

12 Sec. 2. Section 321J.2, subsection 3, paragraph c,  
13 unnumbered paragraph 1, Code 2014, is amended to read as  
14 follows:

15 Assessment of a minimum fine of ~~one~~ three thousand ~~two~~  
16 seven hundred fifty dollars. ~~However, in the discretion of~~  
17 ~~the court, if no personal or property injury has resulted from~~  
18 ~~the defendant's actions, the court may waive up to six hundred~~  
19 ~~twenty-five dollars of the fine when the defendant presents to~~  
20 ~~the court at the end of the minimum period of ineligibility~~  
21 ~~a temporary restricted license issued pursuant to section~~  
22 ~~321J.20.~~

23 Sec. 3. Section 321J.2, subsection 4, paragraphs a and b,  
24 Code 2014, are amended to read as follows:

25 a. A minimum period of imprisonment in the county jail or  
26 community-based correctional facility of ~~seven~~ thirty-five days  
27 but not to exceed two years.

28 b. Assessment of a minimum fine of ~~one thousand eight~~  
29 ~~hundred seventy-five dollars and a maximum fine of six thousand~~  
30 ~~two hundred fifty~~ ten thousand dollars. Surcharges and fees  
31 shall be assessed pursuant to chapter 911.

32 Sec. 4. Section 321J.2, subsection 5, paragraph a,  
33 unnumbered paragraph 1, Code 2014, is amended to read as  
34 follows:

35 Commitment to the custody of the director of the department

1 of corrections for an ~~indeterminate term not to exceed five~~  
2 ~~years,~~ with a mandatory minimum term of ~~thirty days~~ five years.

3 Sec. 5. Section 321J.2, subsection 5, paragraph b, Code  
4 2014, is amended to read as follows:

5 b. Assessment of a minimum fine of ~~three thousand one~~  
6 ~~hundred twenty-five dollars and a maximum fine of nine thousand~~  
7 ~~three hundred seventy-five~~ twenty-five thousand dollars.

8 Surcharges and fees shall be assessed pursuant to chapter 911.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with  
11 the explanation's substance by the members of the general assembly.

12 This bill increases mandatory minimum periods of  
13 confinement and fines for first, second, and third  
14 operating-while-intoxicated (OWI) offenses under Code section  
15 321J.2.

16 Under current law, a person convicted of a first offense  
17 OWI must serve a minimum 48-hour period of imprisonment in the  
18 county jail not to exceed one year and is assessed a fine of  
19 \$1,250; however, if no personal or property injury resulted  
20 from the defendant's actions, the court has the discretion  
21 to waive up to \$625 of the fine when the defendant presents  
22 a temporary restricted license at the end of any period of  
23 ineligibility. The bill increases the mandatory minimum period  
24 of confinement to seven days and increases the minimum fine to  
25 \$3,750.

26 Under current law, a person convicted of a second offense OWI  
27 is required to serve a mandatory minimum period of imprisonment  
28 in the county jail or community-based correctional facility  
29 of seven days, not to exceed two years, and is assessed a  
30 minimum fine of \$1,875 and a maximum fine of \$6,250. The bill  
31 increases the mandatory minimum period of confinement to 35  
32 days and increases the fine to \$10,000.

33 Under current law, a person convicted of a third offense OWI  
34 is committed to the custody of the director of the department  
35 of corrections for an indeterminate term not to exceed five

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1 years, with a mandatory minimum term of 30 days, and is  
2 assessed a minimum fine of \$3,125 and a maximum fine of \$9,375.  
3 The bill increases the mandatory minimum period of confinement  
4 to five years and increases the minimum fine to \$25,000.